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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/826,646

04/16/2004

Bernd Wahle

C 2827 US

2294

23657

7590

04/14/2009

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EXAMINER

KHAN, AMINA S

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

04/14/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/826,646	Applicant(s) WAHLE ET AL.	
	Examiner AMINA KHAN	Art Unit 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 37,46-50,53 and 55 is/are pending in the application.
- 4a) Of the above claim(s) 48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 37,46,47,49,50,53 and 55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 6, 2009 has been entered.

2. Claims 37,46-50,53 and 55 are pending. Claims 1-36,38-45,51,52 and 54 have been cancelled. Claim 48 has been withdrawn from consideration due to a non-elected group. Claim 37 has been amended.

3. All prior rejections are withdrawn in view of applicant's amendments to claim 37.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 37,46,49,50,53 and 55 are rejected under 35 U.S.C. 103(a) as obvious over Benisek et al. (US 4,448,817) in view of Lewis (US 3,933,421).

Benisek et al. teach a method finishing keratinous textile articles, for example wool fabrics, which comprises treating the articles with an anti-felt polymer for example isocyanate functional or bunte salt functional polymers of formula (II) (column 2, lines 30-45), and a polymer of chlorinated ethylenically unsaturated monomer, for example polyvinyl chloride, polyvinylidene chloride, polypropylene, and dichlorobutadiene. Thereafter, the articles are treated with an anionic titanium or zirconium complex at low pH. Benisek teach in the examples that the padding can be followed by drying and no temperature limitation is giving for padding, so room temperature must be used, which meets the limitation of less than or equal to about 40°C. Textiles so treated exhibit both shrink-resistant and flame-retardant properties. See abstract. Benisek et al. teach adding the composition within wide limits to the wool for the desired shrink resistance (column 3, lines 20-35).

Benisek et al. do not teach adding a surfactant to the treatment composition or the 25-45% compound of formula (II).

Lewis teaches treating wool and cotton fabrics to impart shrink resistance (abstract) with similar bunte salts (column 3, lines 40-55) at room temperature wherein the compositions may comprise surfactants (column 8, lines 35-50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the methods of Benisek et al. by incorporating the surfactants of Lewis because Lewis teaches that rapid wetting of wool can be achieved at room temperature with the bunte salts combined with surfactants. Furthermore, Benisek et al. and Lewis are both directed towards effectively providing shrink-resistance to wool fabrics.

Regarding the claimed limitation of 25-45%, since Benisek et al. clearly teach using the agent within wide limits for the benefit of shrink-resistance, one of ordinary skill would be motivated to add the instantly claimed concentration for additional shrink resisting properties.

7. Claims 37,46,47,49,50 and 55 are rejected under 35 U.S.C. 103(a) as obvious over Lewis (US 3,933,421).

Lewis teaches treating wool and cotton fabrics with compositions comprising bunte salts of formula (II) (column 3, lines 35-50) wherein m is at least 1, preferably 25 (column 2, lines 15-25), at concentrations of 0.1-15% on wool fibers (column 7, lines 20-35) wherein the composition further comprises a surfactant (column 8, lines 35-50) and is aqueous (column 8, lines 20-25). Application of an aqueous solution of the bunte salt

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and surfactant meets the claimed limitation of washing. Lewis further teaches using room temperature or temperatures of 10-60°C (column 9, lines 30-40).

Lewis does not teach all the instantly claimed embodiments in a single example and are silent as to drying and reduced pilling.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the select the instantly claimed components from the teachings of Lewis because Lewis teach these methods and components as effective in providing wool fabrics with shrink resistance. Furthermore, air drying of the fabrics would be obvious after they are treated. Regarding the reduced pilling limitation, one of ordinary skill would expect similar fabrics treated with similar chemical compositions by similar method steps would be provided with similar benefits to the fabrics by the chemical composition.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AMINA KHAN whose telephone number is (571)272-5573. The examiner can normally be reached on Monday through Friday, 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lorna M Douyon/
Primary Examiner, Art Unit 1796

/Amina Khan/
Examiner, Art Unit 1796
April 13, 2009